

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 CAPITOL MARKET, LLC, : Case #16-PRO-00016

8 t/a Capitol Market :

9 2501 North Capitol St Northeast:

10 License #ABRA-091021 :

11 Retailer Class B :

12 Substantial Change :

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14 Monday, April 4, 2016

15

16 Whereupon, the above-referenced matter
 17 came on for hearing at the Alcoholic Beverage
 18 Control Board, Reeves Center, 2000 14th Street,
 19 N.W., Suite 400S, Washington, D.C. 20009.

20

21

22

1 BOARD'S AGENT:

2 LAVERNE FLETCHER, Presiding

3

4 ALSO PRESENT:

5 EFREM ABRAHAM

6 KIRBY BINING

7 CELIA DIANNE BARNES

8 MEBRATHIALEM GEBREKIDAN

9

1 P R O C E E D I N G S

2 [10:04 a.m.]

3 MS. FLETCHER: Would the parties in the
4 matter of Capitol Market please come forward?
5 The parties in the matter of Capitol Market. Is
6 there anyone present in the matter of Capitol
7 Market? This is Case #16-PRO-00016, Capitol
8 Market LLC, trading as Capitol Market, 2501 No.
9 Capitol Street Northeast, license #ABRA-091021.
10 This is a Retailer Class B Substantial Change,
11 class change from Class B Market to Class A
12 Liquor Store. The protest issues are adverse
13 impact on peace, order and quiet and real
14 property values. My name is Laverne Fletcher.
15 I'm conducting the Roll Call Hearing as the
16 board's agent, pursuant to D.C. Official Code
17 1601.2. Introductions beginning with the
18 applicant please. Your name, sir?

19 MR. ABRAHAM: My name is Efrem Abraham.

20 MS. FLETCHER: And would you spell that
21 for the record?

22 MR. ABRAHAM: E-F-R-E-M, A-B-R-A-

1 MS. FLETCHER: I'm sorry, did you say A-
2 E?

3 MR. ABRAHAM: A-B-

4 MS. FLETCHER: B.

5 MR. ABRAHAM: Yeah. R-A-H-A-M.

6 MS. FLETCHER: Oh, Abraham.

7 MR. ABRAHAM: Yeah, Abraham.

8 MS. FLETCHER: Okay, thank you. And your
9 name, sir?

10 MR. BINING: Kirby Bining representing The
11 Stronghold Civic Association. We filed the
12 petition.

13 MS. FLETCHER: Mr. Bining, could you take
14 a seat at that table right there, next to -- and
15 your name?

16 MS. BARNES: Dianne Barnes, the ANC
17 commissioner for the District.

18 MS. FLETCHER: And Ms. Barnes, would you
19 spell your name for the record please?

20 MS. BARNES: First name is C-E-L-I-A,
21 Celia, my middle name is Dianne, I go by Dianne,
22 D-I-A-N-N-E Barnes, B-A-R-N-E-S.

1 MS. FLETCHER: How did you spell Dianne?

2 MS. BARNES: With two N's, D-I-A-N-N-E.

3 MS. FLETCHER: Okay. Thank you. And Ms. Barnes,
4 there is a contact sheet on that table. Would
5 you put your contact information on there? Mr.
6 Bining, that's B-I-N-I-N-G?

7 MR. BINING: That's correct. Thank you.

8 MS. FLETCHER: And Mr. Bining, you're
9 representing the Stronghold Civic Association?

10 MR. BINING: That's correct.

11 MS. FLETCHER: The Stronghold Civic
12 Association does have standing as a protestant
13 and are incorporated in the District of Columbia
14 and you gave at least seven days' notice to the
15 applicant of the meeting that you were going to
16 hold regarding the protest. Mr. Abraham, you
17 don't seem too sure about that.

18 MR. ABRAHAM: Say again?

19 MS. FLETCHER: You're not aware -- you're
20 not -- you were given notice that they were going
21 to protest the application?

22 MR. ABRAHAM: Okay.

1 MS. FLETCHER: I'm asking.

2 MR. BINING: That I'm giving notice?

3 MS. FLETCHER: No, I'm asking according
4 to the protest letter filed by the Stronghold
5 Civic Association, they informed you that they
6 were filing a protest against the application?

7 MR. BINING: Yes.

8 MS. FLETCHER: Okay, that's all I need to
9 know. It's just for the record. It's a
10 requirement.

11 MR. BINING: Oh.

12 MS. FLETCHER: So, it was done. I'm just
13 establishing the fact that it was done. That's
14 one of the requirements for a civic association
15 in order to be granted standing and I see that
16 you did. I'm just stating for the record that it
17 was done.

18 MR. BINING: Okay.

19 MS. FLETCHER: So, the Stronghold Civic
20 Association does have standing as a protestant.
21 Ms. Barnes?

22 MS. BARNES: Yes?

1 MS. FLETCHER: The ANC may not have
2 standing as a protestant. Let me tell you the
3 reason why. Let me ask you something first. You
4 sent me an e-mail with a copy of the protest
5 letter and a copy of a proposed settlement
6 agreement. You e-mailed me a copy of the protest
7 letter in response to an e-mail from me to Ms.
8 Quinn.

9 MS. BARNES: Right, yes.

10 MS. FLETCHER: And then that e-mail to
11 Ms. Quinn who is the chair of ANC 5E, I sent Ms.
12 Quinn an e-mail telling her that I received a
13 letter from the ANC that appeared was a protest
14 letter; however, ANC 5E did not state in that
15 letter that ANC 5E was filing a protest. What
16 ANC 5E stated in that letter was the full support
17 for the protest filed by the Stronghold Civic
18 Association. So, what I did, I gave ANC 5E an
19 opportunity to provide us with a statement, an
20 affirmative statement, that they're filing a
21 protest because that is a requirement. You have
22 to state that you're filing a protest. And so, I

1 sent Ms. Quinn an e-mail asking for that
2 statement and asking her to ask you to bring it
3 today.

4 MS. BARNES: Oh, okay.

5 MEDIATOR FLETCHER: And so --

6 MS. BARNES: That's downtown, so --

7 MS. FLETCHER: But you responded.

8 MS. BARNES: Okay.

9 MS. FLETCHER: You responded and you sent
10 a copy of the protest letter but it was the one
11 that we already had.

12 MS. BARNES: Okay, right, because we had
13 sent it prior, okay.

14 MS. FLETCHER: That's exactly right, and
15 so what I needed was a statement saying that the
16 ANC filed a protest, that's what I was looking
17 for.

18 MS. BARNES: Oh, okay.

19 MS. FLETCHER: Because as the record is
20 today, there is no protest filed by the ANC,
21 although you submitted a very lengthy document in
22 support of the protest filed by the Stronghold

1 Civic Association, the ANC 5E did not file a
2 protest yet.

3 MS. BARNES: Okay.

4 MS. FLETCHER: So, I was giving you an
5 opportunity to do that. So that has not been
6 done. So, for the purpose of the Roll Call
7 Hearing I'm going to have to -- I'm not even
8 recognizing ANC 5E as a protestant, so I'm not
9 dismissing you, because according to the record
10 there is no protest filed by the ANC.

11 MS. BARNES: Okay.

12 MS. FLETCHER: So, what's going to happen
13 is, you're going to get an order from the ABC
14 board to the effect of what I just said. And
15 then the ANC will have 10 days to explain to the
16 ABC board whatever it wants to explain. If your
17 intention was to file a protest, you can tell
18 them that.

19 MS. BARNES: Okay.

20 MS. FLETCHER: According to Ms. Quinn,
21 she was going to have you handle the matter, and
22 just for the record I don't know how much you

1 know Ms. Barnes, I'm just going to tell you for
2 the record what I -- the e-mail that I sent to
3 Ms. Quinn.

4 MS. BARNES: I did receive that on
5 Saturday.

6 MS. FLETCHER: Did you receive that? I'm
7 trying to find a way for ANC 5E to have filed the
8 protest, that's what I'm trying to do, because I
9 think that was your intention, but I can't --

10 MS. BARNES: Right, exactly.

11 MS. FLETCHER: Yeah.

12 MS. BARNES: Okay.

13 MS. FLETCHER: So, just give me a minute.
14 My original e-mail to Ms. Quinn says, "based upon
15 a preliminary review of the letter submitted by
16 ANC 5E it appears that ANC 5E did not file a
17 protest, but rather submitted the letter in
18 support of the protest filed by the Stronghold
19 Civic Association. If that is correct, ANC 5E is
20 not a protestant, and not required to appear for
21 the Roll Call Hearing scheduled for April 4.
22 Please advise. This is my e-mail to Ms. Quinn

1 because there was no protest filed by ANC 5E.
2 Ms. Quinn sent an e-mail to me, Ms. Fletcher, and
3 says, "the commission for the SMD is Dianne
4 Barnes." That's you. "My recollection is that
5 ANC 5E voted to protest the application in
6 support of the same position taken by the
7 Stronghold Civic Association. I missed out on
8 the last public meeting and there may have been a
9 vote during my absence. Both Commissioner Barnes
10 and Commission Pearl, our recording secretary,
11 are cc'd here."

12 MS. BARNES: So that was my first e-mail
13 from her regarding your e-mail. That was
14 yesterday.

15 MS. FLETCHER: Exactly. Exactly, so she
16 mentioned that you had taken a vote in support of
17 the Stronghold Civic Association.

18 MS. BARNES: Yes.

19 MS. FLETCHER: And that's true, that's in
20 the letter. The vote was taken, but the vote was
21 taken to support the Stronghold Civic
22 Association, there was no vote taken to protest

1 an application by the ANC. So, I was giving the
2 ANC an opportunity to correct that.

3 MS. BARNES: Oh, okay.

4 MS. FLETCHER: That was my intention.

5 MS. BARNES: And that [inaudible 9:36].

6 MS. FLETCHER: And I assumed that your
7 intention was to file a protest. Am I right
8 about that? That the ANC 5E's intention was to
9 file a protest?

10 MS. BARNES: In support of what
11 Stronghold wanted.

12 MS. FLETCHER: Yeah, and that's what you
13 did.

14 MS. BARNES: And that's what we did.
15 That's what we --

16 MS. FLETCHER: That's what you intended
17 to do and that's what you did.

18 MS. BARNES: Exactly, yeah.

19 MS. FLETCHER: Okay.

20 MS. BARNES: Pending a settlement
21 agreement with the applicant and the Association.

22 MS. FLETCHER: And I'm just stating all

1 of this for the record just so that it's clear.

2 MS. BARNES: Okay, yeah.

3 MS. FLETCHER: So, the next communication
4 that I got, well the next communication was me to
5 Ms. Quinn saying, "thanks for the clarification.
6 If ANC 5E intended to file a protest, please have
7 the designated representative bring a written
8 statement to that effect to the Roll Call Hearing
9 on April 4th. As the protest letter is written,
10 it is clear that ANC 5E supports the protest
11 filed by the Stronghold Civic Association, but
12 there is no indication that ANC E itself is
13 filing a protest. So, again, just making that
14 clear that there is no protest filed by ANC 5E
15 and that I need a statement to allow the ANC an
16 opportunity to file a protest. I was doing that
17 even after the petition deadline. The reason is
18 because of the protest -- the letter submitted
19 was timely filed --

20 MS. BARNES: Yes.

21 MS. FLETCHER: We give the ANC great
22 weight, it's what we do in the District of

1 Columbia. And so I was giving great weight to
2 the ANC and allowing it an opportunity to say,
3 "yes, we are filing a protest." And so, you sent
4 me an e-mail on Sunday, yesterday, with a copy of
5 the protest letter that I already have. So I
6 read it this morning and you also sent me a copy
7 of a draft settlement agreement, we appreciate
8 that. I sent you an e-mail back -- you may not
9 have seen it -- saying the letter you submitted
10 is the same one that previously submitted.

11 MS. BARNES: Right.

12 MS. FLETCHER: Which brings us to the
13 moment. There is no affirmative statement by the
14 ANC that a protest has been filed, so we are
15 going to have to go with what's in the record,
16 and so I'm not going to grant standing to the ANC
17 as a protestant but you'll have an opportunity --
18 if the ANC wants to be a protestant, you may
19 petition the ABC board. I don't have the
20 authority to grant standing when there is no
21 protest filed.

22 MS. BARNES: Okay, I understand.

1 MS. FLETCHER: Understand? Thank you and
2 so the Stronghold Civic Association has standing
3 today and I note the ANC supports that, and the
4 ANC submitted a draft settlement agreement. I
5 want to know if you have received it, Mr.
6 Abraham?

7 MR. ABRAHAM: Which one?

8 MS. FLETCHER: A settlement agreement, a
9 draft settlement agreement.

10 MS. BARNES: I sent it yesterday, that
11 you and I discussed --

12 MR. ABRAHAM: Yeah, the one that we just
13 discussed, I know that one, but I don't have
14 right now, but I know the one that we discussed.

15 MS. BARNES: Okay and I re-sent it to you
16 on your e-mail because I just got in town, back
17 yesterday.

18 MS. FLETCHER: So, you'll get to discuss
19 it at the next step. And can you introduce
20 yourself, sir? You arrived a few minutes late.
21 I want to get your name on the record. Your name
22 please.

1 MR. MEBRAHTIALEM: My name is
2 Mebrahtialem Gebrekidan. Do you want me to write
3 it down?

4 MS. FLETCHER: Ah, so is Mr. Abraham
5 going to be the contact person or you for this
6 case?

7 MR. ABRAHAM: He's my partner.

8 MS. FLETCHER: So, who's going to -- we
9 just need one person as a contact person.

10 MR. GEBREKIDAN: I am.

11 MS. FLETCHER: Is that going to be you?

12 MR. GEBREKIDAN: Yeah.

13 MS. FLETCHER: So, if you would just
14 state your name one more time and spell it for
15 the record.

16 MR. GEBREKIDAN: Mebrahtialem Gebrekidan.

17 MS. FLETCHER: Okay.

18 MR. GEBREKIDAN: M-E-B-

19 MS. FLETCHER: B as in boy?

20 MR. GEBREKIDAN: Yes. M-E-B-R-A-H-T-I-A-
21 L-E-M is the first name.

22 MS. FLETCHER: Okay and what's the last

1 name?

2 MR. GEBREKIDAN: G-E-B-R-E-K-I-D-A-N.

3 MS. FLETCHER: So, you can write that
4 down. Okay, thank you. And the last thing that I
5 was going to do, Ms. Barnes, to give the ANC 5E
6 one last opportunity to file a protest if it
7 intended to today is to ask you if anywhere in
8 the protest letter that you submitted you could
9 find an affirmative statement for me telling me
10 that the ANC filed a protest. I just wanted to
11 give you that opportunity as well.

12 MS. BARNES: Okay, I will recheck. The
13 last paragraph on page one.

14 MS. FLETCHER: The last paragraph on page
15 one?

16 Which mentions the three effectiveness of
17 why they should be protesting.

18 MS. FLETCHER: So can you read that last
19 paragraph for me? I'm not sure. Can you read it
20 for me, please?

21 MS. BARNES: On February 18th,
22 Commissioner Lawrence, along with the applicant -

1 -

2 MS. FLETCHER: Excuse me one second, Ms.
3 Barnes, that's not my last paragraph. So, which
4 letter are you looking at? Are you looking at
5 the letter dated March 15, 2016?

6 MS. BARNES: Yes.

7 MS. FLETCHER: The first paragraph starts
8 "on January 21, 2016"?

9 MS. BARNES: The last paragraph. I
10 mentioned I was going to read the last paragraph.

11 MS. FLETCHER: Yeah, my last paragraph
12 says something different. Go ahead and read
13 yours.

14 MS. BARNES: On February 18th,
15 Commissioner Barnes, along with the applicant,
16 attended a special meeting hosted by Stronghold
17 Civic Association. The concern discussed a list
18 of grounds of objections to the applicant's
19 request for substantial class A change.

20 MS. FLETCHER: Mm hmm.

21 MS. BARNES: And then I listed the three
22 effectiveness on why they requested the change.

1 MS. FLETCHER: So that was the intention
2 right there, the ANC to file a protest?

3 MS. BARNES: Yes.

4 MS. FLETCHER: Okay, I'm going to accept
5 that.

6 MS. BARNES: Okay.

7 MS. FLETCHER: I will accept that and
8 grant standing to the ANC. But the last
9 paragraph I was looking at was on page 2. So,
10 you're on page 1.

11 MS. BARNES: One, yes.

12 MS. FLETCHER: Yes, so then what you're
13 saying is the statement that the concerns
14 discussed are listed for grounds of objections
15 for the applicants' request for a substantial
16 change, you're saying those are the concerns of
17 the ANC and not the Stronghold Civic Association.

18 MS. BARNES: Exactly.

19 MS. FLETCHER: So I see, even though a
20 vote was taken on your, on the second page of
21 that letter, the last paragraph that says "on
22 March 15, it says that a vote was taken

1 supporting the Stronghold's motion to continue
2 the protest, which you intended that to be the
3 vote for the ANC to file as well as the
4 Stronghold?

5 MS. BARNES: Yes.

6 MS. FLETCHER: Okay, I'll accept that for
7 the record.

8 MS. BARNES: Okay.

9 MS. FLETCHER: Okay.

10 MS. BARNES: I did contact ABRA just to
11 get some assistance.

12 MS. FLETCHER: Mm hmm. Okay, well you
13 tried, so we'll accept that, so I am going to
14 grant standing the ANC 5E with that clarification
15 from you today.

16 MS. BARNES: Okay.

17 MS. FLETCHER: So, we have two
18 protestants in this matter, the Stronghold Civic
19 Association and ANC 5E. We need to set a date
20 for mediation, a status hearing and a protest
21 hearing. I'll give you the dates for the status
22 and protest hearing first. The date for the

1 status hearing is April 27th, April 27th at 9:30
2 a.m. And the date for the protest hearing is
3 June the 1st at 4:30 p.m. We need to set a date
4 for mediation to occur prior to April 27th. I'll
5 give you the next dates available. The first
6 date available is Thursday, April 14th at 9:00,
7 10:00 or 11:00, that's for mediation. That's
8 Thursday, April 14th for mediation.

9 MS. BARNES: 10:00 is fine with me.

10 MS. FLETCHER: Is that good for? Is that
11 good for you, Mr. Bining?

12 MR. BINING: I have to ask the Stronghold
13 Civic Association. I am delegated today for this
14 purpose.

15 MS. FLETCHER: Yes.

16 MR. BINING: I will be able to bring that
17 to their attention tonight that you're requesting
18 10:00 a.m. on Thursday, April 14th, for a --

19 MS. FLETCHER: For a mediation, is that
20 good for you, Mr. Abraham?

21 MR. ABRAHAM: Yes.

22 MS. FLETCHER: Okay, so I'll pencil it

1 in, Mr. Bining, while I wait to hear whether or
2 not it's good for the Stronghold Civic
3 Association. What time was that? 10:00? What
4 time? 10:00?

5 MR. BINING: Yes.

6 MS. FLETCHER: I've got mediation down
7 for Thursday, April 14 at 10:00 a.m. with a
8 question mark, waiting to hear if that works for
9 Mr. Bining of the Stronghold Civic Association.
10 If it doesn't, I'll send an e-mail around
11 offering a different date. Ms. Barnes, you put
12 your contact information on that sheet?

13 MS. BARNES: Yes.

14 MS. FLETCHER: Mr. Abraham, you put your
15 contact information on that sheet? Your e-mail
16 address is on there as well? Mr. Abraham? Your
17 e-mail address? Is your e-mail address on that
18 sheet? The contact sheet?

19 MR. ABRAHAM: On this sheet? I can
20 provide e-mail address.

21 MS. FLETCHER: Your e-mail address, we
22 need the e-mail address; further communication

1 will be by e-mail address.

2 MR. ABRAHAM: Okay.

3 MS. FLETCHER: If you could just make it
4 legible, please.

5 MR. BINING: Will the Stronghold Civic
6 Association be advised if this is an acceptable
7 date and time?

8 MS. FLETCHER: My card is on the table,
9 Laverne Fletcher.

10 MR. BINING: Thank you.

11 MS. FLETCHER: I'm the board's mediator
12 as well, I don't know if you know that, but, so
13 you can let me know if that works, and if not
14 then I'll send out some more dates. So, Mr.
15 Abraham, I need your daytime phone number and e-
16 mail address.

17 MR. ABRAHAM: Yes, sure.

18 MS. FLETCHER: Any questions at all?

19 MR. BINING: Yes, what will happen at the
20 mediation hearing that we have scheduled for the
21 27th of April.

22 MS. FLETCHER: At the mediation, there's

1 an opportunity to negotiate a settlement to
2 resolve the matter and the ANC has filed a --
3 submitted a draft settlement agreement to resolve
4 the matter. This is just a draft. But the
5 purpose of mediation is to try to negotiate a
6 settlement to resolve the protest issues and if
7 that can be done then there is no status hearing
8 and there is no protest hearing. Mediation is an
9 alternative to an investigation. It's a conflict
10 resolution process that allows the parties an
11 opportunity to resolve any conflict, concerns,
12 issue. The board prefers for the parties to try
13 to resolve the issues if they can. And if you
14 can't, the protest hearing is already set for
15 June 1st. And then the board will hear testimony
16 from both sides and make a decision about whether
17 or not the application will be granted or not.

18 MR. GEBREKIDAN: Okay and the second
19 meeting for -- 9:30 a.m.?

20 MS. FLETCHER: The status hearing?

21 MR. BINING: The status hearing.

22 MS. FLETCHER: Yeah, the status hearing

1 is April 27th, 2016, at 9:30.

2 MR. GEBREKIDAN: Yes.

3 MS. FLETCHER: The status hearing is
4 before the full board. I'm the board's agent, so
5 I'm here today, but on Wednesdays the board, the
6 full board, is here. It's a six-member board.

7 MR. GEBREKIDAN: Yes.

8 MS. FLETCHER: So, when you come on the
9 27th, the board will be here and they will want
10 to know the status of this case. What you report
11 is whether or not you had mediation, which is
12 mandatory, and they'll want to know the status of
13 the mediation. That's all that happens at a
14 status hearing.

15 MS. BARNES: May I ask, so actually the
16 status of the settlement agreement, if you decide
17 to go for the settlement agreement with the ABC,
18 on behalf of the Citizens Association.

19 MS. FLETCHER: Exactly, and so if there's
20 a settlement agreement, if the parties reach a
21 settlement agreement, then there's no need for a
22 status hearing before the board. You would

1 submit the settlement agreement to the board for
2 approval, and then there would be no need. If
3 the settlement agreement is submitted before the
4 status hearing then we would cancel the status
5 hearing, and if the board approves the settlement
6 agreement, then the protest hearing is canceled.

7 MR. GEBREKIDAN: So, on April 14, it's to
8 be my decision if we put the agreement between us
9 and the neighborhood, it's my decision to not
10 continue having a status hearing or protest? My
11 decision. What about the status hearing after
12 the board comes with you and they hear the case
13 or the status of the month maybe so it might be
14 that decision at that time or it should continue
15 to June 1st?

16 MS. FLETCHER: You mean after the status
17 hearing?

18 MR. GEBREKIDAN: Yeah.

19 MS. FLETCHER: When you appear for a
20 status hearing, if the parties haven't reached a
21 settlement agreement at that point you would tell
22 the board you don't have a settlement agreement

1 but if you're still working on it, it's okay as
2 long as it's signed before the protest hearing.

3 MR. GEBREKIDAN: Yes.

4 MS. FLETCHER: That's it?

5 MR. GEBREKIDAN: Yes.

6 MS. BARNES: And the protest hearing is
7 the one dated 6/01.

8 MS. FLETCHER: Yes, the protest hearing
9 is dated for June the 1st at 4:30 p.m. and that's
10 when the board hears testimony from both sides.
11 Hears testimony from both sides, any witnesses
12 you have, they hear from the witnesses, and yo9u
13 get to submit any evidence or documents you have
14 and then the board will make a decision about
15 whether or not to grant you the class change.

16 MR. ABRAHAM: That's going to happen on
17 June 1st.

18 MS. FLETCHER: That happens on June 1st,
19 or if you and the community can reach an
20 agreement that the board approves, then if the
21 board approves the agreement, then you will be
22 granted the class change if you can reach an

1 agreement with the community that the board
2 approves, you won't need to go to a protest
3 hearing for the board to make that decision, if
4 the board accepts the agreement, so you can
5 either let the board decide whether or not you
6 get the class change or you can work out an
7 agreement with the community. If the board
8 approves it, you'll get the class change.

9 MR. GEBREKIDAN: So, in case we get up to
10 June 1st, so the board will expect a statement or
11 any clarification of the status from us?

12 MS. FLETCHER: Yes, the settlement
13 agreement is not a requirement. If you can reach
14 one, you can reach one, and if you can't you
15 can't, it's okay. You're required to come to
16 mediation in an attempt to resolve the matter,
17 but if you can't reach a settlement agreement
18 it's no reflection on you, you just weren't able
19 to, and so the board just makes the decision
20 after the protest hearing. So, you're not
21 required to reach an agreement, you don't have
22 to.

1 MR. GEBREKIDAN: I mean June 1st, is that
2 something that they expect from us in written
3 style or --

4 MS. FLETCHER: If anything is written?

5 MR. GEBREKIDAN: I mean anyway.

6 MS. FLETCHER: What's going to happen is
7 after today you're going to get a notice from the
8 office that tells you about the protest hearing
9 and what that means.

10 MR. GEBREKIDAN: Exactly, okay.

11 MS. FLETCHER: You're going to get a
12 notice that explains the protest process.

13 MR. GEBREKIDAN: Thank you.

14 MS. FLETCHER: And then if you have any
15 questions after that you can call -- there's a
16 number on the letter -- to tell you to call, but
17 at the protest hearing, basically you'll tell the
18 board why you -- this protest is based on -- let
19 me see -- this protest is filed based on peace,
20 order and quiet, for example, and the community's
21 concerned that you're going to disturb the
22 community. So, at a protest hearing you're going

1 to be talking to the board about why you should
2 have the license class and tell them how you will
3 not disturb the community, I mean that's your job
4 to do that, but they're going to be saying why
5 you shouldn't have it and how you're going to
6 disturb the community. Your job is to make the
7 case for why you should have the license class
8 change. But there'll be some more information in
9 that letter.

10 MR. ABRAHAM: Okay.

11 MS. FLETCHER: If you have any other
12 questions after that, then there will be a number
13 to call.

14 MR. ABRAHAM: Thanks.

15 MS. BARNES: I have one more question.

16 MS. FLETCHER: Ms. Barnes.

17 MS. BARNES: We're actually meeting
18 tonight with the Civic Association. If they come
19 to an agreement on this settlement agreement
20 tonight versus waiting until the mediation date
21 of 4/14, do we still have to come back for the
22 mediation on 4/14?

1 MS. FLETCHER: No, not at all. If the
2 matter is settled before the 14th, the mediation
3 is canceled also.

4 MS. BARNES: I just wanted to make sure --

5 MS. FLETCHER: Yeah, the media --

6 MS. BARNES: -- Mr. Bining hears this so
7 he can pass this on.

8 MS. FLETCHER: Yeah, if the parties can
9 resolve the matter prior to the mediation date,
10 we cancel the mediation also.

11 MS. BARNES: Okay.

12 MS. FLETCHER: Anything else? Mr.
13 Abraham, any other questions?

14 MR. ABRAHAM: No, thanks.

15 MS. FLETCHER: Okay, then the Roll Call
16 Hearing is concluded.

17 ALL: Thank you.

18 [Whereupon, at 10:36 a.m. the
19 above-entitled matter concluded.]